

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 17642 of 1995

Between:

J. Sivaiah, S/o. Venkateswarlu,
Process Server, Subordinate Judge's Court,
Tenali, Guntur District.

..... PETITIONER

AND

- 1 The Registrar (Admn.),
High Court of A.P.,
Hyderabad
- 2 District Judge,
Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ particularly in the nature of certiorari declaring the action of the 1st respondent in rejecting the claim of

the Petitioner to grant preponement of the date of increment from 1-12-1974 to 1-3-1974 on par with his junior K.Narasimha as illegal and consequently directing the 1st respondent to consider the same with immediate effect by fixing the pay as per P.R.C. revisions with monetary benefits in accordance with rules.

Counsel for the Petitioner : MR.K.K.CHAKRAVARTHY

Counsel for the Respondents: MR. C.V. NAGARJUNA REDDY, SC FOR A.P. HIGH COURT.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1 . No counter has been filed till date in this petition though Rule Nisi was issued on 30.08.1995.

2 . Petitioner's grievance is that one K. Narasimha, who was junior to him while petitioner was also working in the High Court as Attender under Category III, was allowed to draw his increment with effect from 01.03.1974 in terms of G.O.Ms.No.180, Finance & Planning, dated 15.07.1975, whereas petitioner was allowed to draw the increment with effect from 01.12.1974. Petitioner claims that as on 01.01.1974 his pay and pay of K. Narasimha was fixed at Rs.175/- in the time scale of Rs.165-5-190-6-250. Petitioner continued to remain in High Court service up to 1985. Petitioner thus challenges the discrimination in the matter of fixation of pay when a person

junior to him was permitted to draw his increment from 01.03.1974 whereas he is being permitted to draw increment with effect from 01.12.1974 and rejection on the part of the respondents of the petitioner's representation on the ground that service of the High Court and District Court employees are in two separate cadres, as irrational inasmuch as petitioner at the relevant time was in High Court service.

3. As counter affidavit has not been filed, writ petition is allowed to the extent that respondent No.1 is directed to re-examine the case in the light of the facts mentioned in the writ petition after reference to the service record of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and convey the same to the petitioner. No costs.

DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 15.12.2004.

VRK.

Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice, on this the Wednesday the Fifteenth day of December, Two thousand and four.

To

- 1 The Registrar (Admn.),
High Court of A.P.,
Hyderabad
- 2 District Judge,
Guntur.
3. To CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.P.NO. 17642 OF 1995.

**(Order of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 15.12.2004.

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